

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

LENNORA R. BANKS-DAVIS, et al.,

Plaintiffs,

v.

ORDER

Civil File No. 16-1729 (MJD/FLN)

DAVID PAUL, Warden, et al.,

Defendants.

Lennora R. Banks-Davis, pro se.

Sylvia Hollins, pro se.

Carmen Fluker, pro se.

Nicole Ashton, pro se.

The above-entitled matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated July 13, 2016. Plaintiffs Lennora R. Banks-Davis and Nicole Ashton filed objections to the Report and Recommendation. Plaintiffs Sylvia Hollins and Carmen Fluker have submitted no filings.

Four days after the Report and Recommendation was filed, Banks-Davis paid the required \$17.67 initial partial filing fee. [Docket No. 9] Therefore, the Court declines to dismiss the Complaint as to Banks-Davis. Neither Hollins, nor Fluker, nor Ashton has yet filed an application to proceed in forma pauperis. Nor have they paid the filing fee.

Pursuant to statute, the Court has conducted a de novo review upon the record. 28 U.S.C. § 636(b)(1); Local Rule 72.2(b). Based upon that review, the Court adopts the Report and Recommendation of United States Magistrate Judge Noel dated July 13, 2016, as to Plaintiffs Hollins, Fluker, and Ashton. Because Banks-Davis has now paid the required initial partial filing fee, the Court declines to adopt the Report and Recommendation as to Banks-Davis.

Accordingly, based upon the files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS IN PART** the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated July 13, 2016 [Docket No. 8] as follows: the Court **ADOPTS** the Report and Recommendation as to Plaintiffs Sylvia Hollins, Carmen Fluker, and Nicole Ashton, and **DECLINES TO ADOPT** the Report and Recommendation as to Plaintiff Lennora R. Banks-Davis.
2. The claims of Plaintiffs Sylvia Hollins, Carmen Fluker, and Nicole Ashton are **DISMISSED WITHOUT PREJUDICE** under Federal Rule of Civil Procedure 41(b) for failure to prosecute.

3. The claims of Plaintiff Lennora R. Banks-Davis remain and will proceed to screening pursuant to 28 U.S.C. § 1915A.

Dated: August 31, 2016

s/ Michael J. Davis

Michael J. Davis

United States District Court